

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHN DOE, A MINOR CHILD, AND JOHN
SMITH, A MINOR CHILD, ET AL.,

Plaintiffs,

v.

WASHOE COUNTY; WITTENBERG HALL;
WILLIAM JONES AND HIS PARENTS;
ROBERT EDWARDS AND HIS PARENTS;
DOES I-X; BART AND MONIQUE BLACK;
DOES I-X; BLACK AND WHITE
CORPORATIONS I-X; AND/OR
GOVERNMENT AGENCIES AND/OR
ENTITIES I-X,

Defendants.

3:03-cv-00604-BES-VPC

ORDER

Before the Court is the Report and Recommendation of the United States Magistrate Judge (Doc. #127) ("Recommendation") entered on October 13, 2006, in which the Magistrate Judge recommends that this Court enter an order: (1) granting Defendants' Motion to Enforce Settlement Agreement (#117); and (2) referring Carter King to the Nevada State Bar counsel pursuant to Nevada Supreme Court Rules 99-105 for an investigation into Mr. King's conduct in this action and to determine whether such conduct warrants discipline in accordance with Nevada Supreme Court Rules.

Plaintiffs John Doe and John Smith ("Plaintiffs") filed an Appeal and Request for Review of the Report and Recommendation of U.S. Magistrate Judge Cooke and Request for Evidentiary Hearing (#130) on October 23, 2006 and Defendants filed an Opposition (#131)

1 on November 1, 2006. Thereafter, on January 24, 2007, Plaintiffs filed another Motion for
2 Evidentiary Hearing to Review Whether or Not Oral Alleged Settlement is Enforceable (#137).

3 The Court has conducted a *de novo* review of the record in this case, has fully
4 considered the objections of Plaintiffs, the pleadings and memoranda of the parties and other
5 relevant matters of record pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule IB 3-2. After
6 a review and determination in accordance with the requirements of 28 U.S.C. § 636 and
7 applicable case law, and good cause appearing,

8 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and
9 Recommendation (#127) entered on October 13, 2006, is adopted and accepted with
10 modification. Defendants' Motion to Enforce Settlement Agreement (#117) is GRANTED in
11 accordance with the Report and Recommendation. Plaintiffs' Request for an Evidentiary
12 Hearing (#130) and Plaintiffs' Motion for Evidentiary Hearing to Review Whether or Not Oral
13 Alleged Settlement is Enforceable (#137) are DENIED.

14 IT IS FURTHER ORDERED that the recommendation for an investigation by the
15 Nevada State Bar regarding Mr. King's conduct in this action is not adopted. The facts and
16 controversy surrounding the request for an investigation occurred before the Magistrate Judge
17 and not this Court, and, therefore any referral to the Nevada State Bar should be made by the
18 Magistrate Judge.

19 IT IS SO ORDERED.

20 DATED: This 1st day of February, 2007.

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24 UNITED STATES DISTRICT JUDGE
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